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NCD7034-AC

## CERTIFIED RECEIPT REQUESTED

United States  
Department of  
Agriculture

July 6, 2011

Office of  
Administrative  
Law Judges

Jeanette Baucom  
1723 Brief Road East  
Monroe, NC 28110

Hearing Clerk

Room 1031  
South Building

1400 Independence Avenue SW  
Dear Respondent:

Washington, DC  
20250-9200

**Subject: Jeanette Baucom, Respondent**  
**Docket No. 11-0311**

(202) 720-4443  
(202) 720-9776 fax

Enclosed is a copy of the Complaint filed under the Horse Protection Act. Also enclosed is a copy of the Rules of Practice which govern the conduct of these proceedings. Please familiarize yourself with the rules and note that the comments which follow are not a substitute for the rule requirements.

The rules specify that you may represent yourself or obtain legal counsel. If an attorney does not file an appearance on your behalf, it shall be presumed that you have elected to represent yourself. Most importantly, **you have 20 days from receipt of this letter to file with the Hearing Clerk an original and three copies of your written and signed answer to the complaint.** It is necessary that your answer set forth any defense you wish to assert, admit, deny or explain each allegation of the complaint. Your answer may include a request for an oral hearing. Failure to file an answer or filing an answer which does not deny the material allegations of the complaint shall constitute an admission of those allegations and waive your right to an oral hearing. If a hearing is required, it shall be formal in nature and decided by an Administrative Law Judge on the basis of exhibits received in evidence and sworn testimony subject to cross-examination.

It is your responsibility to notify this office of any change in address or telephone numbers. Failure to do so may result in a judgment being entered against you without your knowledge. Your answer, as well as any other pleadings or requests regarding this proceeding should be submitted in quadruplicate to the Hearing Clerk, OALJ, Room 1031, South Building, United States Department of Agriculture, Washington, DC 20250-9200. The filing hours are Monday – Friday between the hours of 8:30 am- 4:30 pm. Any questions you may have regarding the possible settlement of this case should be directed to the attorney whose name and telephone number appear on the last page of the complaint.

Sincerely,

*Carlton. Andrews for*

L. Eugene Whitfield  
Hearing Clerk

Enclosure(s)

CC: Robert Ertman, OGC  
Ruth Ann McDermott, APHIS

CMA: 07/06/11

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:

Jeanette Baucom,

Respondent

HPA Docket No.

Complaint

There is reason to believe that the respondent named herein has violated the Horse Protection Act, as amended (15 U.S.C. § 1821 et seq.), herein referred to as the Act. Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

A. Respondent Jeanette Baucom is an individual whose mailing address is 1723 Brief Road East, Monroe, NC 28110.

B. At all times material hereto, respondent Jeanette Baucom was the trainer of the horse known as "Royal Luck" and exhibited this horse as Entry No. 106, Class No. 27, on July 13, 2007, at the Land-O-The-Sky Horse Show at Asheville, North Carolina.

C. At all times material hereto, respondent Jeanette Baucom was the trainer of the horse known as "Pay It Forward" and exhibited this horse as Entry No. 79, Class No. 69, on July 14, 2007, at the Land-O-The-Sky Horse Show at Asheville, North Carolina.

II

A. On July 13, 2007, respondent Jeanette Baucom, in violation of section 5(2)(A) of the Act (15 U.S.C. § 1824(2)(A)), exhibited the horse known as "Royal Luck" as Entry No. 106, in Class No. 27, at the Land-O-The-Sky Horse Show at Asheville,

North Carolina, while the horse was sore by virtue of being scarred as defined in section 11.3 of the regulations issued pursuant to the Act (9 C.F.R. § 11.3).

B. On July 14, 2007, respondent Jeanette Baucom, in violation of section 5(2)(A) of the Act (15 U.S.C. § 1824(2)(A)), exhibited the horse known as "Pay It Forward" as Entry No. 79, in Class No. 69, at the Land-O-The-Sky Horse Show at Asheville, North Carolina, while the horse was sore by virtue of being scarred as defined in section 11.3 of the regulations issued pursuant to the Act (9 C.F.R. § 11.3).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact violated the Act, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances including an order:

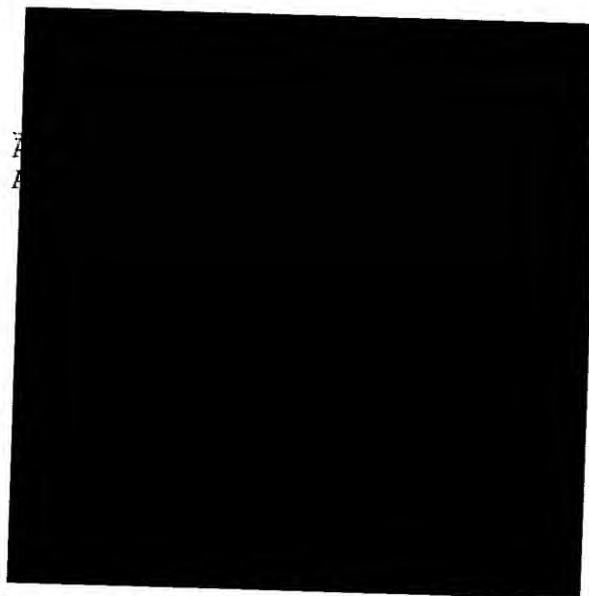
(a) Assessing civil penalties against the respondent in accordance with section 6(b) of the Act (15 U.S.C. § 1825(b)); and

(b) Disqualifying the respondent for a specified period as provided in section 6(c) of the Act (15 U.S.C. § 1825(c)) from (1) showing, exhibiting or entering any horse, or otherwise participating in any horse show or exhibition, and (2) judging or managing any horse show, horse exhibition, horse sale or auction.

Done at Washington, D.C.  
this 1<sup>st</sup> day of July, 2011

*Acting*

ROBERT A. ERTMAN  
Attorney for Complainant  
Office of the General Counsel  
United States Department of  
Agriculture  
Washington, D.C. 20250-1417  
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**Jeanette Baucum**  
**1723 Brief Road East**  
**Monroe, NC 28110**

PS Form 3800, August 2006 See Reverse for Instructions

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